

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10 - Compulsion Orders and Restriction Orders

Chapter 2: review of orders

Consequences of annual review

Section 183: responsible medical officer's report and recommendation following review of compulsion order and restriction order

331. **Section 183** makes provision for the procedure following reviews under section 182. The responsible medical officer must submit a report to the Scottish Ministers recording that officer's views on:
- whether the conditions set out in section 182(4) (that the patient has a mental disorder etc) continue to apply;
 - whether it is necessary to detain the patient in hospital to protect any other person from serious harm;
 - whether it continues to be necessary for the patient to be subject to the compulsion order; and
 - whether it continues to be necessary for the patient to be subject to the restriction order.
332. Depending on those views and taking account of the mental health officer's views, the responsible medical officer will recommend to the Scottish Ministers:
- that the compulsion order should be revoked;
 - where not satisfied that the patient has a mental disorder or otherwise that the restriction order is necessary, that the restriction order should be revoked and the compulsion order varied so that the patient is no longer detained in hospital; or
 - that both orders should continue but that the patient should be discharged subject to conditions ("conditional discharge").